

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY GLADSTEIN,

Plaintiff,

v.

CAPITAL BENEFIT, INC., et al.,

Defendants.

Case No. 22-cv-06718-TLT

**ORDER TO SHOW CAUSE WHY  
DEFENDANTS SHOULD NOT BE  
SANCTIONED FOR FAILING TO  
APPEAR**

Plaintiff Kimberly Gladstein (“Plaintiff”) filed a motion for preliminary injunction on November 4, 2022. In that motion, Plaintiff noticed the motion to be heard in person on December 13, 2022. *See* ECF No. 21; *see also* Judge Thompson’s Civil Standing Order ¶ 4 (“All hearings and appearances will be held in Courtroom 9 on the 19th floor of the United States Courthouse, 450 Golden Gate Avenue, San Francisco, California.”).

Defendants Capital Benefit, Inc., and Marcel Bruetsch (“Defendants”) opposed the motion by and through counsel on November 18, 2022. *See* ECF No. 30. Defendants’ counsel failed to appear at the hearing on the motion for preliminary injunction without providing any advance notice. The hearing date and time have been set since November 4, 2022.

The Court **ORDERS** Defendants’ counsel to show cause why the Court should not impose sanctions for failing to appear at the hearing and for failing to comply with the Court’s Standing Order. By **December 27, 2022**, Defendants’ counsel shall file a declaration under penalty of perjury explaining their non-appearance or inability to have someone appear on their behalf.

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Plaintiff's counsel may file a declaration of fees and costs incurred as a result of Defendants' counsel's potentially sanctionable conduct by **December 20, 2022**. Defendants' counsel may file a written response to Plaintiff's counsel's declaration by **December 27, 2022**.

**IT IS SO ORDERED.**

Dated: December 13, 2022



TRINA L. THOMPSON  
United States District Judge

United States District Court  
Northern District of California